

## Message Text

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C O N F I D E N T I A L SECTION 01 OF 03 BONN 03948

LIMDIS

E.O.H11652; GDS

TAGS: PFOR, ETRD, GW, UR

SUBJECT: FRG-SOVIET TALKS ON BERLIN ISSUES: BAHR'S  
DEBRIEFING OF THREE AMBASSADORS

REF: MOSCOW 3225 AND 3356 (NOTAL)

1. SUMMARY. DURING FRG MINISTER BAHR'S 10-DAY VISIT TO MOSCOW WHICH ENDED MARCH 9, BERLIN QUESTIONS WERE RAISED EXTENSIVELY. PROGRESS WAS MADE ON REACHING A FORMULATION FOR PROTECTING WEST BERLIN INTERESTS IN THE ENVISAGED BILATERAL SCIENTIFIC-TECHNICAL AGREEMENT. DISCUSSION OF THE LEGAL ASSISTANCE ISSUE FOR WEST BERLIN AND FRG COURTS RESULTED IN LITTLE FORWARD MOVEMENT ALTHOUGH BAHR THINKS THE LATEST SOVIET PROPOSALS MAY OFFER SOME ROOM FOR NEGOTIATION. BAHR'S TALKS WITH GROMYKO ABOUT LUFTHANSA'S LANDING AT TEGAL REPORTEDLY CLEARED UP SOME SOVIET MISUNDERSTANDING. THERE WAS FURTHER DISCUSSION OF BERLIN MAYOR SCHUETZ'S VISIT TO THE USSR. AND THE ISSUE OF FEDERAL PRESENCE CAME UP  
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IN GENERAL TERMS WITH BREZHNEV AND GROMYKO BUT MORE

SPECIFICALLY AT THE WORKING LEVEL. BAHR REPORTEDLY TOLD THE SOVIETS THAT THESE BERLIN-RELATED PROBLEMS OUGHT TO BE CLEARED UP BEFORE BRANDT MADE A VISIT TO THE USSR LATER THIS YEAR. BAHR TOLD US HE EXPECTS SOME PROGRESS ON THESE PROBLEMS BUT CONTINUED TO BE WORRIED ABOUT SOVIET REACTIONS TO THE FEDERAL PRESENCE PROBLEM. END SUMMARY.

2. BAHR DEBRIEFED THE US, UK AND FRENCH AMBASSADORS MARCH 12 ON HIS RECENT 10-DAY VISIT TO MOSCOW WHICH ENDED MARCH 9. DURING THE VISIT, BAHR MET TWICE WITH BREZHNEV, TWICE WITH GROMYKO, AND HELD NUMEROUS MEETINGS WITH SENIOR SOVIET ECONOMIC OFFICIALS. AT THE SAME TIME, FRG AND SOVIET EXPERT GROUPS WORKED INTENSIVELY ON CERTAIN BERLIN-RELATED PROBLEMS.

3. ONE PROBLEM, THAT OF PROVIDING FOR BERLIN'S INCLUSION IN THE PROVISIONS OF THE ENVISAGED BILATERAL SCIENTIFIC-TECHNICAL AGREEMENT, WAS REPORTEDLY RESOLVED TO FRG SATISFACTION. THE TWO SIDES HAVE AGREED AD REFERENDUM TO A PROTOCOL NOTE WHICH WILL BE PART OF THE AGREEMENT DOCUMENTS. THIS NOTE WILL PROVIDE FOR WEST BERLIN SCIENTIFIC AND TECHNICAL ORGANIZATIONS TO BE INCLUDED IN ANY FRG-SOVIET PROJECTS WHENEVER THE WEST BERLIN BODY'S PARTICIPATION IS CONSIDERED APPROPRIATE. BAHR SAID THIS WOULD COVER FRG DESIRES WHILE GETTING AROUND THE IDEA OF AUTOMATICITY OF WEST BERLIN'S INVOLVEMENT TO WHICH THE SOVIETS HAD LONG OBJECTED. BAHR SAID THE CHANCELLERY AND FONOFF WERE NOW GIVING THIS SOLUTION A FINAL REVIEW BUT THOUGHT THE SCIENTIFIC-TECHNICAL AGREEMENT WAS NOW PRACTICALLY READY FOR INITIALLING.

4. REGARDING THE LONG-SIMMERING PROBLEM OF LEGAL ASSISTANCE, THE TWO SIDES HAD MADE A GOOD DEAL OF PROGRESS UNTIL GROMYKO ENTERED THE SCENE AT THE END OF THE VISIT. HE THEN REJECTED ALL THE WORK THAT HAD BEEN DONE AND REVERTED TO THE SOVIET PROPOSAL OF LAST OCTOBER, NAMELY TO SETTLE THE MATTER BETWEEN THE FRG AND USSR ON A DIRECT JUDICIAL ORGAN TO JUDICIAL ORGAN PRO-CONFIDENTIAL

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CEDURE (AT THE LAND AND REPUBLIC LEVEL) BUT TO COVER WEST BERLIN BY HAVING THE FRG MAKE AN ORAL STATEMENT. BAHR OBJECTED TO THIS PROPOSAL. ON MARCH 9, GROMYKO WAS MORE MELLOW AND SUGGESTED A PROCEDURE WHEREBY THE SOVIET AMBASSADOR IN BONN WOULD MAKE A STATEMENT ALLOWING FOR WEST BERLIN LEGAL ASSISTANCE TO BE HANDLED IN THE SAME MANNER AS THAT AGREED TO BETWEEN THE FRG AND USSR. BAHR SAID HE AND FONMIN SCHEEL THOUGHT THIS A

POSSIBLE WAY OUT OF THE PROBLEM. HE SAID THE FRG WOULD BE RAISING THE PROPOSAL IN THE BONN GROUP FOR CONSIDERATION ONCE THE FRG REVIEW HAD BEEN COMPLETED.

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5. ON OTHER CONSULAR MATTERS INVOLVING WEST BERLIN, BAHR SAID THE SOVIETS AGREED TO CONSIDER THE FRG REQUEST FOR ASSURANCE THAT THE FRG'S CONSULAR COMPETENCE FOR WEST BERLIN RESIDENTS INCLUDE JURIDICAL AS WELL AS NATURAL PERSONS. BAHR HAD PROPOSED THAT THIS BE DONE IN ONE OF TWO WAYS: EITHER BILATERALLY BETWEEN THE FRG AND THE USSR OR THROUGH A FOUR-POWER INTERPRETATION OF THE QA. HE THOUGHT THE LATTER THE MORE ELEGANT SOLUTION BUT THE SOVIETS APPARENTLY DID NOT LEAP AT THIS SUGGESTION. BAHR TOLD US THAT HE NONETHELESS THOUGHT THE SOVIETS WOULD COME TO SOME POSITIVE SOLUTION ON THIS POINT. BAHR ALSO ASKED THAT THE SOVIETS TAKE STEPS TO ENSURE THAT THE FRG'S COMPETENCE FOR REPRESENTING WEST BERLIN

ABROAD APPLY IN EAST EUROPE GENERALLY AS WELL AS THE USSR. THE SOVIETS WERE RESERVED ON THIS POINT BUT UNDERTOOK TO CONSULT WITH THEIR ALLIES. HERE, TOO, BAHR THOUGHT THE SOVIETS SEEMED READY TO TAKE A POSITIVE STANCE.

6. ON FEDERAL PRESENCE IN WEST BERLIN, NEITHER BREZHNEV  
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NOR GROMYKO RAISED THE ISSUE EXCEPT IN GENERAL AND VAGUE TERMS. BREZHNEV MADE A PASSING REFERENCE TO THE NEED FOR THE FRG TO APPLY STRICTLY THE QA. GROMYKO RAISED THE MATTER IN SIMILAR TERMS BUT IN A CAREFUL AND UNAGGRESSIVE WAY. BAHR REPORTEDLY SAID THIS WAS A MATTER FOR THE SOVIETS TO RAISE WITH THE THREE POWERS AND NOT WITH THE FEDERAL GOVERNMENT. GROMYKO REPORTEDLY DID NOT PRESS THE POINT.

7. AT THE WORKING LEVEL (ALEKSANDROV), HOWEVER, THE SOVIETS WERE MORE DIRECT. ALEKSANDROV WARNED THAT IF THE FRG PUSHED AHEAD WITH THE FEDERAL ENVIRONMENT AGENCY (FEA) IN WEST BERLIN, THEN THE MOVE WOULD NOT BE WITHOUT CONSEQUENCES. HE REFERRED TO GDR THREATS IN THIS CONNECTION. BAHR USED SOME CLEVER ARGUMENTATION IN REBUTTAL BUT APPARENTLY DID NOT SHAKE THE SOVIETS. ALEKSANDROV DID RAISE THE IDEA OF DROPPING A REFERENCE TO THE WORD "FEDERAL" IN THE TITLE. BAHR SAID HE HAD BEEN THROUGH THIS ONCE ALREADY AND HAD BEEN TOLD BY AMBASSADOR FALIN IN BONN THAT THIS WAS NOT A USEFUL SOLUTION. BAHR SAID HE WOULD RE-EXAMINE THE IDEA AND SEE WHAT COULD BE DONE. HE TOLD THE SOVIETS THAT HE CONSIDERED IT A DIFFICULT PROPOSAL AT THIS LATE DATE.

8. ON THE LUFTHANSA/TEGEL LANDING EN ROUTE FROM THE FRG TO MOSCOW, BAHR SAID HE EXPRESSED THE FRG'S INTEREST IN PUSHING AHEAD WITH THIS PROPOSAL. THE SOVIETS REFERRED TO THE RECENT TRIPARTITE APPROACH TO THE SOVIETS IN BERLIN ON THIS MATTER. THEY SAID THEY THOUGHT THERE WAS SOME PROBLEM INVOLVED SINCE THE THREE POWERS SEEMED TO THINK THAT THE LUFTHANSA FLIGHTS COULD TAKE PLACE IF ONLY THE FOUR POWERS AGREED. BAHR SAID THIS WAS A MISUNDERSTANDING. HE SAW THE MATTER AS INVOLVING PERHAPS THREE STAGES: FIRST, THE FOUR POWERS WOULD AGREE IN PRINCIPLE THAT THE FLIGHTS COULD TAKE PLACE AND WORK OUT THE TECHNICAL DETAILS; SECOND, THE FRG AND GDR WOULD NEGOTIATE THE MATTER OF OVERFLIGHT OF THE GDR; AND THIRD, THE THREE POWERS WOULD GRANT PERMISSION FOR LANDINGS IN WEST BERLIN. BAHR SAID THIS WOULD BE SOMEWHAT SIMILAR TO THE APPROACH USED IN THE QA. GROMYKO REPORTEDLY SAID HE HAD NOTHING AGAINST THIS APPROACH IN

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PRINCIPLE.

9. BAHR SAID HE PRESENTED FULLY AND FORCEFULLY THE FRG'S POSITION ON BERLIN MAYOR SCHUETZ'S VISIT TO THE USSR. FIRST, IT HAD TO BE CLEAR THAT THE FEDERAL GOVERNMENT WOULD HANDLE THE ARRANGEMENTS FOR THE TRIP. THEN,

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THERE HAD TO BE NO FLAGS FLOWN AT THE AIRPORT UPON SCHUETZ'S ARRIVAL IN MOSCOW. THE FRG AMBASSADOR HAD TO BE THERE TO WELCOME HIM. SCHUETZ WOULD STAY AT A HOTEL NOT IN A GOVERNMENT GUEST HOUSE. HE WOULD BE THE GUEST AT AN FRG EMBASSY RECEPTION, WHICH THE SOVIETS WOULD BE

EXPECTED TO ATTEND. AND IN TALKS WITH SOVIET OFFICIALS, SCHUETZ WOULD BE ACCOMPANIED BY THE FRG AMBASSADOR OR AN EMBASSY INTERPRETER. BAHR SAID THE SOVIETS TRIED TO HAGGLE ABOUT THESE CONDITIONS BUT HE SIMPLY TOLD THEM TO STUDY THEM. BAHR TOLD US THAT ALTHOUGH HE WAS ENCOURAGED BY THE FACT THE SOVIETS DID NOT OBJECT TO THE FRG'S ASSERTION OF THE RIGHT TO HANDLE THE SCHUETZ VISIT, HE DID NOT CONSIDER IT A LIKELY PROPOSITION.

10. BAHR SAID ONE FURTHER POINT AROSE WHEN DEPUTY FONMIN KUZNETSOV ACCOMPANIED HIM TO THE AIRPORT FOR THE DEPARTURE. KUZNETSOV RAISED THE BERLINERS' VOTING IN THE FEDERAL PRESIDENTIAL ELECTION AND SAID IT WOULD CONTRAVENE THE QA. BAHR SAID HE TOLD KUZNETSOV FULLY NOT TO CREATE A PROBLEM OVER THIS MATTER FOR IT WOULD BECOME A SERIOUS DOMESTIC ISSUE IN THE FRG.

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11. BAHR SAID HE TOLD THE SOVIETS, INCLUDING BREZHNEV, THAT THE FEDERAL GOVERNMENT WAS UNHAPPY AT THE WAY BERLIN PROBLEMS CONTINUED TO CREEP INTO THE FRG-SOVIET BILATERAL RELATIONSHIP. THE FRG WAS CONCERNED THAT MANY OF THE PROBLEMS RAISED BY BRANDT WITH BREZHNEV LAST SPRING REMAINED UNRESOLVED. BAHR SAID HE MADE A STRONG PITCH TO HAVE THEM CLEARED UP BEFORE BRANDT MAKES A RETURN VISIT TO MOSCOW. BAHR TOLD US THE TENTATIVE PLANNING FOR THE VISIT IS NOW EARLY JULY, BUT A FIRM DECISION WOULD NOT BE MADE UNTIL LATE MARCH.

COMMENT. BAHR SEEMED GENERALLY SATISFIED WITH HIS VISIT AND CONSIDERS THAT HE MADE PROGRESS IN A COUPLE OF AREAS CONCERNING BERLIN PROBLEMS. HOWEVER, HE REMAINS CONCERNED ABOUT THE FEDERAL PRESENCE QUESTION AND APPEARS TO BELIEVE THAT THE SOVIETS WILL CONTINUE TO CREATE DIFFICULTIES OVER THE FEA'S ESTABLISHMENT IN WEST BERLIN. HE MENTIONED TO THE THREE AMBASSADORS THAT HE HOPES SECRETARY KISSINGER WILL RAISE THE MATTER IN MOSCOW DURING HIS FORTHCOMING VISIT AS, BAHR NOTED, HE INDICATED HIS READINESS TO DO DURING HIS TALKS WITH FONMIN SCHEEL IN BONN.

AT THE FONOFF WORKING LEVEL, THERE IS A BIT MORE SKEPTICISM AS TO HOW FAR THE SOVIETS MAY IN FACT BE WILLING TO GO ON SOME OF THE OPEN ISSUES. THE FONOFF HAS LEARNED FROM BITTER EXPERIENCE THAT SEEMING SOLUTIONS HAVE A WAY OF EVAPORATING WHEN IT COMES DOWN TO ACTUAL FORMULATIONS IN WRITING.

OUR OWN VIEW IS THAT THE FEDERAL GOVERNMENT PROBABLY WILL GO FAIRLY FAR TO TRY TO SETTLE SOME OF THE OPEN

BERLIN ISSUES SOON. BRANDT HAS SUFFERED A LOSS IN POPULARITY LATELY AND HIS PARTY TOOK A BEATING IN A RECENT STATE ELECTION: IT SEEMS IN FOR ANOTHER DEFEAT IN THE NEXT ONE SCHEDULED FOR JUNE. BRANDT AND BAHR MAY HOPE THAT WITH A BIT OF SUCCESSFUL OSTPOLITIK RAZZLE-DAZZLE, THEY MAY BE ABLE TO RECAPTURE SOME OF THE LOST AURA OF FOREIGN POLICY SUCCESS. THAT IS NOT TO SAY THEY WILL GIVE WAY TO THE SOVIETS ON THE BERLIN PROBLEMS: THIS, TOO, WOULD BE SEIZED UPON AND CONFIDENTIAL

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USED BY THE OPPOSITION. BUT THEY MAY BE ABLE TO FIND A FEW COMPROMISE SOLUTIONS THAT WILL REFURBISH THE SPD'S IMAGE. AND WE WOULD NOT EXCLUDE THAT THE SOVIET LEADERSHIP, WHICH HAS LONG SEEMED WELL-DISPOSED TO BRANDT, MAY BE PREPARED FOR ITS PART TO MAKE A FEW CONCESSIONS THAT MAY BENEFIT BRANDT.

OTHER PARTS OF BAHR'S DISCUSSIONS IN MOSCOW BEING REPORTED IN SEPTELS.  
HILLENBRAND

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